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12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **OAKLAND DIVISION**

15
16 HUMANMADE, a California nonprofit
17 corporation,

18 Plaintiff,

19 v.

20 SFMADE, a California nonprofit corporation;
21 and MANUFACTURE : SAN JOSE, a California
nonprofit corporation,

22 Defendants.
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CASE NO. 4:23-cv-02349-HSG-PHK

**JOINT STATUS REPORT RE:
DISCOVERY DISPUTE**

1 Pursuant to the Honorable Judge Peter H. Kang's order (Dkt. 68), Plaintiff Humanmade
2 and Defendants SFMade and Manufacture : San Jose respectfully submit this Joint Status Report
3 regarding their Discovery Dispute Letter Brief (Dkt. 63).

4 Counsel met and conferred on July 11, 2024 regarding the discovery issues raised in their
5 Discovery Dispute Letter Brief (Dkt. 63) and made significant progress in resolving and
6 narrowing the disputes:

7 1. ***Seven disputed search terms:*** SFMade has agreed to search and produce
8 documents utilizing the seven search terms as originally proposed, without further
9 modification or narrowing. Accordingly, the parties believe that this search term dispute
10 has been fully resolved, obviating the need for the search term procedures set forth in the
11 Court's written order (Dkt. 73 at 5-7).

12 2. ***Additional document productions:*** SFMade produced an additional set of
13 documents on July 12, 2024, and represented that it intends to serve an additional
14 document production volume by the end of this week, on or before July 19, 2024.
15 Humanmade will promptly review these productions to assess whether they address the
16 deficiencies set forth in the Discovery Dispute Letter Brief (Dkt. 63), and will provide a
17 further update for the Court in the July 29, 2024 Joint Discovery Management Status
18 Report ordered by the Court (Dkt. 73 at 9).

19 3. ***Fact depositions:*** Of Humanmade's four identified party witnesses, three
20 depositions have already been taken by SFMade, and the final deposition has been
21 scheduled for July 26. Humanmade is currently seeking the depositions of five former
22 SFMade personnel and/or contractors who were subpoenaed (with subpoenas served on
23 May 15 and June 24), and three of those depositions have been scheduled during the fact
24 discovery period. One or both of the remaining two depositions may need to be
25 scheduled after the fact discovery cutoff of August 2, and the parties are conferring in
26 good faith to reach a stipulation on agreeable dates for those witnesses. On July 9,
27 SFMade informed Humanmade that it had identified two former employees of
28 Humanmade that it would like to depose. Humanmade responded that there may not be

sufficient time for additional third-party discovery during the fact discovery period, which closes on August 2. SFMade intends to request an extension of the fact discovery deadline to allow for the depositions of these two former employees. Humanmade notes that as of today (July 15), SFMade has not served any notices of subpoena during the course of this action (including for these two former Humanmade employees), and that Humanmade intends to confer in good faith with SFMade on this issue, including on scheduling, should any timely notices of subpoena be served.

Finally, the parties wish to inform the Court that they have carefully reviewed and discussed the Court's written order (Dkt. 73), and will cooperate and confer in good faith to resolve any remaining or additional disputes that arise during discovery.

Dated: July 15, 2024

By: /s/ David A. Caine

David A. Caine
Jonathan Swisher

Attorneys for Plaintiff Humanmade

By: /s/ Haley Heath

Haley Heath

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Manufacture: San Jose

ATTESTATION REGARDING SIGNATURES

I, David A. Caine, attest that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: July 15, 2024

/s/ David A Caine
David A. Caine